

LOCAL RULES OF PRACTICE

APPLICABLE IN THE CIRCUIT
AND CHANCERY COURTS
OF
HICKMAN, LEWIS, PERRY & WILLIAMSON COUNTIES

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LOCAL RULES
TWENTY-FIRST JUDICIAL DISTRICT

INTRODUCTION

JUDGES. The 21st Judicial District as presently established embraces Hickman, Lewis, Perry and Williamson Counties. All Judges of the 21st Judicial District have full civil and criminal jurisdiction therein and are assigned areas of responsibility by the Presiding Judge.

CLERKS. Each county within the District has a Circuit Clerk and a Clerk and Master with powers and duties prescribed by statute for such offices generally. The Clerk and Master is clerk of the Probate Division of the Chancery Court.

The Clerks are expected to perform all of the acts, including the issuance of writs of attachment and fixing the bonds therefor, which the Clerks are authorized to perform under the applicable statutes.

As used in these Rules, ACLERK@ includes the Circuit Clerk and/or the Chancery Clerk and Master.

GRAND JURIES will be empanelled as follows:

WILLIAMSON COUNTY - First Monday in January and July.

When first Monday in January is January 1, the Grand Jury will be empanelled on January 2.

When first Monday in July is July 4, the Grand Jury will be empanelled on July 5.

HICKMAN COUNTY - First Monday in February and August.

LEWIS COUNTY - First Monday in April and October.

PERRY COUNTY - Fourth Monday in January and July.

LOCAL CIVIL RULES

RULE 1. GENERAL RULES NOT ABROGATED.

The Tennessee Rules of Civil, Criminal and Appellate Procedure, of Evidence, and the Codes of Professional Responsibility and Judicial Conduct, will be given full faith and credit.

RULE 2. FILING AND SERVING OF PAPERS.

Section 2.01. Filing with the Clerk. All pleadings, motions, proposed judgments and orders shall be filed with or submitted to the Clerk. Briefs shall be lodged with the Clerk who will deliver the same to the Judge.

Section 2.02. Certificate of Service. All papers must contain a certificate of service to opposing parties/counsel which must contain the date of service, the name of the person or persons served, and the method of service. The Clerk may refuse to file papers not having a certificate which complies with these rules and all applicable rules of Civil, Criminal or Appellate Procedure. (For the Rule as to appealable orders or decrees, see Rule 11.01).

RULE 3. JURY TRIAL.

Section 3.01. Demand Procedure. In any civil case in which a jury is demanded, the words AJURY DEMAND shall be typewritten in capital letters on the first page of the pleading opposite the style of the case above the space for the case number.

Section 3.02. Peremptory Challenge Procedure. At trial, peremptory challenges will be written on a sheet of paper provided the respective attorneys for that purpose. These challenge sheets will be taken up by the court officer and then shown to opposing counsel. Any objection with regard to a challenge based upon systematic racial or sexual discrimination will be made by any party at this time. The failure to object to returning the opponent's challenge sheet to the court officer constitutes a waiver of such objection.

RULE 4. TRIAL AND MOTION SCHEDULES AND CALENDARS.

Section 4.01. The Presiding Judge will prepare and deliver to the Clerks a master schedule designating days for motions, non-jury trials and jury trials for each Judge. Individual trial and motion calendars will be prepared by the Clerk.

RULE 5. PRETRIAL MOTIONS.

All pretrial motions must be filed and scheduled for hearing not later than the court's last regular motion day before the scheduled trial date. No motions, including motions in limine to exclude testimony, will be heard on the day of trial.

RULE 6. MOTIONS

Section 6.01. Motions will be set on scheduled motion days by notice as provided in the Tennessee Rules of Civil Procedure.

Section 6.02. Motions for new trial, motions for judgment n.o.v. and motions to alter or amend will not be set for hearing exception upon direction of the Judge. Such motions should be accompanied by any citation of authorities and written argument which the moving party wishes the Judge to consider. No such motion will be sustained by the Judge without affording the adverse parties an opportunity either to file responsive briefs and written argument or to be heard in oral argument.

Section 6.03. Motions To Compel/ Efforts to Resolve Discovery Conflicts.

The Court will refuse to rule on any motion related to discovery unless moving counsel files with the motion a statement which certifies that the lawyer has conferred with opposing counsel in a good faith effort to resolve the discovery dispute and that the effort has not been successful.

RULE 7. SETTING CASES FOR TRIAL AND CONTINUANCES.

Section 7.01. Except for divorce and parenting plan actions and cases anticipated to take longer than 3 days to try, cases shall be set for trial in one of the following ways:

- (a) By agreement of counsel after consultation with the Judges' Administrative Assistant, such agreement to be evidenced by a court order;
- (b) By motion; and
- (c) By the court with notice to counsel.

Non-jury trials which are anticipated to require 2 hours or less may be set by agreed order on the regularly scheduled non-jury days. Cases requiring longer than 2 hours may be set by agreement after consultation with the Judges' Office. Domestic cases will be set in accordance with Rule 12 of the Local Rules.

Generally, cases will not be set for trial more than six months in advance. Court schedules shall be prepared, released, posted in the clerk's offices and distributed to the attorneys monthly for the following six- month period. Attorneys may request electronic mail of the court's schedule by providing their electronic mail address to the judge's office. Cases shall be docketed in the order that the Order setting the case for trial is presented to the clerk of the court.

All motions to set and orders setting a case for trial will include a statement of how long the attorney anticipates the case will take for trial. Any case that the attorney or attorneys anticipate will take longer than three days will be set by motion only.

Section 7.02. Certifying Cases Ready When Set. When a case is set by agreement or by motion without objection, all counsel are certifying that they, their clients and their necessary witnesses, will be available for trial on the trial date, that all discovery has been completed or will be completed prior to the selected trial date. Where a case is set by the court or by motion over the objection of one or more of the parties, the court will specify a reasonable time within which discovery is to be completed and specify a trial date which falls at least 15 days thereafter. The failure to have completed discovery, inability to take a deposition or failure to have completed any other trial preparation will not be grounds for a continuance.

In accordance with Rule 5, all pretrial motions, including motions to exclude evidence, must be filed in time to permit oral argument not later than the last regular motion day before the scheduled trial date. No motions will be argued on the morning of trial.

Section 7.03. Continuances. Cases may be continued only by leave of court. Motions and agreements for continuance must be supported by sworn affidavit and either be signed by the party or signed by the attorney and contain a certificate that a copy of the motion has been mailed to the party or parties whom a signing attorney represents.

RULE 8. GENERAL SESSIONS APPEALS.

Section 8.01. All General Sessions appeals will be set for trial by the clerk on the next day scheduled for trial of such cases occurring more than 10 days after the appeal is perfected. The clerk will notify the appealing party of the trial date at the time the appeal is perfected and will on the same day furnish written notice of the trial date to the appellees.

RULE 9. PRE-TRIAL PROCEDURE IN CIVIL CASES.

In all civil actions set for trial on the merits, at least 72 hours prior thereto:

(a) The names and addresses of all witnesses shall be furnished to opposing counsel.

(b) Copies of all exhibits which are proposed to be offered shall be furnished to opposing counsel. When it is impractical to copy exhibits, the proposed exhibits shall be made available for inspection upon reasonable notice.

(c) In divorce hearings, either final or temporary, involving alimony child support issues, a property, income and expense statement in the form attached as Appendix A or D, as appropriate, shall be filed with the Clerk and a copy furnished opposing counsel. The parties may also include a proposed division of property and indebtednesses.

A violation of the above may be grounds for a continuance but shall not be grounds for exclusion of the evidence.

RULE 10. EXHIBITS

Section 10.01. Depositions and Discovery Material. Depositions and discovery material submitted to the Clerk as evidence that is not read to the court may be made trial exhibits at the request of either party.

Section 10.02. Custody of the Clerk. All trial exhibits shall be marked by, accounted for and placed in the custody of the Clerk unless otherwise directed by the court.

Section 10.03. Disposition of Exhibits in Civil Cases. After final determination of any case, the parties shall have 30 days to withdraw exhibits. The Clerk may destroy or dispose of exhibits not so withdrawn.

RULE 11. ORDERS AND JUDGMENTS.

Section 11.01. Preparation and Submission. Unless the court directs otherwise, attorneys for prevailing parties will prepare orders for entry by the court. Orders approved for entry by counsel for all affected parties must be received by the clerk not more than 10 days following the day on which the ruling is made by the court. Orders not approved for entry by counsel for all affected parties must be received by the clerk within 3 business days following the day on which the ruling is made by the court. If, within 5 business days following receipt of such an order by the clerk there has been no proposed order submitted by opposing counsel, the judge will assume that opposing counsel approve the order with respect to accuracy and form.

Section 11.02. Non-Minute Entry Orders. Orders not affecting the legal course of an action, such as orders setting a case for trial or acting upon a request for a continuance, may be designated by the clerk as a non-minute entry order. Such designated order shall be placed in the file of the case but not spread upon the minutes of the court.

Section 11.03. Court Costs. (a) All final judgments shall provide for the taxing of court costs.

(b) Whenever it appears to the clerk that a judgment has been satisfied but that court costs have not been paid, the clerk may apply to the court for a retaxing of court costs. The clerk shall notify the parties of the application and the date and time it will be

considered by the court.

RULE 12. DIVORCES AND CHILD PARENTING HEARINGS.

Section 12.01. Parenting Seminars. All parties to a divorce action who have minor children shall be required to attend a four (4) hour parenting seminar, approved by the court, within thirty (30) days of service of the original complaint. At the time divorce actions are filed, the Clerk of the court shall deliver to the filing party or the filing party's attorney a copy of the general order stating this requirement together with a list of organizations or individuals that have been approved by the court to conduct these seminars. A copy of the general order shall be served on the opposing party along with the summons and complaint. If a party is waiving service of process, waiver of service shall be filed with the complaint and the Clerk shall mail a copy of the general order to that party.

Section 12.02. Temporary Parenting and Support Hearings and Orders.

(a) **Agreement of the Parties.** Where the parties with minor children can agree upon temporary parenting and support arrangements, a Temporary Parenting Plan substantially in the form attached as Appendix A, shall be prepared and submitted to the court. If approved by the court, the plan will govern the parenting and support arrangements between the parties during the pendency of the divorce action.

(b) **Failure of the Parties To Reach An Agreement.** If the parties cannot agree upon a Temporary Parenting Plan, the issue may be mediated or brought before the court on motion or show cause order. At the hearing of this issue, each of the parties to the divorce action shall submit a proposed Temporary Parenting Plan and shall submit an affidavit of income and expenses in the form attached as Appendix B. The court will either adopt one of the plans submitted, appropriately alter and adopt one of them or may, in the court's discretion, hear additional testimony before determining a Temporary Parenting Plan.

(c) **Parenting plans and income and expense forms** will be available in each clerk's office and also may be found at the Circuit Court Judges' website, http://williamson-tn.org/co_gov/depts/judges/circuit/rule.htm#civil.

Section 12.03. Contested Divorce and Parenting Actions.

(a) **Contested Divorce Actions.** Contested divorce actions shall be set for trial by the court only upon a motion filed and served upon the adverse party at least fifteen (15) days prior to the hearing on the motion. Prior to the date of hearing on the motion to set, each of the parties shall file and serve upon the adverse party:

- a. their agreed or proposed Permanent Parenting Plan (Appendix C)
- b. an Asset and Liability Statement (Appendix D)
- c. their request for relief
- d. whether they have attempted mediation and, if not, a statement justifying their refusal to mediate
- e. their certificate of attendance to the parent education seminar

(b) **Hearings On Motions To Set.** At the hearing on motions to set for trial on divorce

and parenting actions, the court will review and determine (1) whether parties have attended the parenting seminar as required by Rule 12.01, above; (2) whether the parties have attempted mediation and, if not, whether the case is appropriate for mediation; (3) whether the court should appoint a special master or court's expert for the purpose of assisting the court in determining the value of the assets of the parties; and (4) whether other orders of the court might facilitate the proceedings. If at this hearing the court is satisfied the case is ready for trial the action will be set for a date certain.

Section 12.04. Non-contested Divorces and Parenting Actions.

(a) Hearings. Where divorce cases are grounded on irreconcilable differences or are submitted on stipulated grounds, it is not necessary to move for a default judgment provided the facts giving the court jurisdiction of the parties and the subject matter are recited under oath either in the complaint or by separate affidavit. A defendant who has not filed an answer must specifically waive service of process and the filing of an answer in the marital dissolution agreement or by separate affidavit.

(c) Children. Parties to a parenting action who have reached an agreement with regard to their disputed issues may submit to the court a Permanent Parenting Plan in the form attached as Appendix C. Parties to a non-contested divorce action who have minor children may incorporate a permanent parenting plan in the same form into their marital dissolution agreement. A plaintiff with minor children who seeks a divorce after a judgment for default shall submit to the court a proposed permanent parenting plan in the same form at the final hearing for divorce.

Rule 12.05. Effective Date. The provisions of this section (Rule 12) shall apply to all actions filed after January 1, 2001.

RULE 13. ADOPTIONS.

Section 13.01. Filing. All adoption petitions shall be filed with the Chancery Court Clerk.

Section 13.02. Adoption by Step-Parents and Relatives. Cases where the adopting parents are the grandparents, the aunt or uncle or the step-parent of the child or children to be adopted shall not be set for adjudication by the clerk until the following documents have been filed:

- (a) The birth certificate or certificates of the child or children.
- (b) A certified copy of the marriage license of the adopting petitioners.
- (c) A certified copy of the final judgment of divorce in the event either of the adopting petitioners have previously thereto been married to another spouse.
- (d) A death certificate if either natural parent be deceased.
- (e) A death certificate of either petitioner=s former spouse if said spouse is deceased.

Section 13.03. Presentation of Testimony. The testimony of adopting petitioners may be presented in person or, in the event the adopting petitioners are not within the State of Tennessee at the date of the adjudication, by interrogatory or deposition.

Section 13.04. Attendance of Adoptive Child. It shall be optional with the adopting petitioners as to whether the child or children involved in said adoption attend the adjudication.

RULE 14. ACCOUNTINGS - RETURN OF SUPPORTING DOCUMENTATION TO FIDUCIARY.

In connection with any accounting where the fiduciary is required to produce supporting documentation, such as, but not limited to, canceled checks, bank statements, receipts, etc., the clerk shall have the right, as set forth below, to return the supporting documentation to the custody of the fiduciary for safekeeping. Such a return of documentation shall not occur until the clerk has reviewed and approved the accounting and at least 30 days have elapsed from the date the court approves the accounting and it is recorded.

RULE 15. EXTRAORDINARY INTERLOCUTORY RELIEF.

Section 15.01. Restraining Orders. Proposed restraining orders shall be prepared by counsel prior to submitting the request for relief to the court. Except in domestic relations cases, the restraining order shall provide for the setting of a bond as a condition to the entry of the restraining order. The restraining order shall further provide for the setting of a hearing for temporary injunction and shall provide a place thereon for the court to set a date, time and location for such a hearing. Requests for extraordinary relief must comply in all respects with Rule 65, T.R.C.P.

Section 15.02 Hearings. Except for domestic relations cases, all applications for temporary injunctions and other forms of extraordinary interlocutory relief shall be heard upon sworn pleadings or affidavit and/or deposition unless a party, prior to the time of the hearing, requests and obtains permission of the court for the introduction of oral testimony and so notifies all other counsel of record.

RULE 16. SUSPENSION OF RULES. Whenever the court determines that justice requires it, the court may suspend any of the foregoing local rules.

LOCAL CRIMINAL RULES

RULE 1. TRIAL AND MOTIONS SCHEDULES AND CALENDARS.

Section 1.01. The presiding judge will prepare and deliver to the clerk and master a schedule designating days for motions and for trials for all judges.

Section 1.02. Trial and motion calendars will be prepared by the clerk.

RULE 2. MOTIONS, REQUESTS FOR DISCOVERY AND APPLICATION FOR PRETRIAL DIVERSION.

Section 2.01. From the time of arraignment, each defendant shall have a period of 20 days within which to file pretrial motions as defined by Rule 12(b), T.R.Cr.P., except that requests for discovery shall be filed within 10 days from arraignment and motions to suppress evidence must be filed within 10 days of the date the state has complied with a request for discovery. The court at arraignment or thereafter upon motion may extend the period for filing pretrial motions upon good cause shown.

Section 2.02. Applications for pretrial diversion shall be filed with the Office of the District Attorney within 15 days from the date of arraignment unless otherwise extended by the court. The district attorney may, in his or her discretion, refuse to consider any such application not timely filed and denial of pretrial diversion on that basis shall not be deemed an abuse of his discretion, nor shall the trial of the case be continued pending a review of such denial.

Section 2.03. At the time of arraignment, the court shall designate a review date not less than 30 days after arraignment. On the review date, the court will:

- (1) Consider any plea bargain agreements between the district attorney general and the defendant and his or her attorney.
- (2) Hear any pretrial motions filed by either party at least five days prior to the review date.
- (3) Determine whether there are pretrial motions which cannot be heard either in accordance with these rules or for reasons of fairness to the respective parties and, if so, set those motions for appropriate disposition.
- (4) Set all cases for trial that have no pretrial motions pending, except for those cases described in Section 2.04 below.

Section 2.04. On the review date for each particular case, it shall be the responsibility of the defendant or his or her attorney to advise the court of the following:

- (1) That an application for pretrial diversion is pending.
- (2) That an application for pretrial diversion has been denied and the defendant intends to seek review of that denial.

(3) That there has been an adverse determination upon a review of the denial of pretrial diversion and the defendant intends to appeal that determination.

(4) That a pretrial motion is pending or that the time for filing pretrial motions in accordance with these rules has not expired.

(5) That the state has failed to respond to a request for discovery filed pursuant to Rule 16, T.R.Cr.P.

On the review date for each particular case, it shall be the responsibility of the district attorney, or his or her assistant to advise the court that the defendant has failed to respond to a reciprocal request for discovery pursuant to Rule 16, T.R.Cr.P. Upon the determination of the existence of any of the circumstances set forth in this section, the trial court may continue the review date and may make such further orders as may be appropriate for the timely disposition of pretrial proceedings. Any circumstance not called to the attention of the court in accordance with this section shall not be considered as a ground for continuance of the trial of the case.

RULE 3. SETTING CASES FOR TRIAL.

Cases will be set for trial (1) on the review date, referred to in Rule 2, (2) on the date set for trial when crowded off the docket, by agreement between the district attorney or an assistant district attorney and the defendant and his or her attorney, or (3) by the court upon motion of either party or on its own motion with notice to the respective parties or attorneys.

RULE 4. CONTINUANCES.

Section 4.01. Cases may be continued only with the approval of the court. All motions for continuance made prior to the date of trial or hearing shall be filed in writing, shall state the reason the continuance is being sought and shall either be sworn to or be supported by sworn affidavit. No agreements to continue a case will be approved unless a date has been agreed upon for resetting the hearing or trial being continued.

Section 4.02. Absent an agreement, continuances may be granted by the court upon written motion after notice to opposing counsel specifying the time and place a continuance will be sought.

Section 4.03. Any request for a continuance in a case where the defendant is charged with the crime of violence involving death or serious bodily injury that will cause the trial of the case to be delayed beyond 180 days from the date of the indictment shall be accompanied by a proposed certificate in compliance with T.C.A. §40-38-105 setting forth the reasons the case is still pending before the court.

Section 4.04. It is expected that a case where the defendant is charged with a crime of violence involving death or serious bodily injury shall be given priority in scheduling and selection of cases for trial over cases not involving such a charge.

RULE 5. REQUEST FOR SEQUESTRATION OF JURY.

Except in capital cases, both the defendant and the state shall be deemed to have waived any right they may have to a sequestered jury unless a written request has been filed with the clerk of the court at least 48 hours prior to the time the case is set for trial.

RULE 6. ORDERS AND JUDGMENTS

Section 6.01. Once sentencing has been completed, a proposed judgment document shall be prepared by the district attorney for approval. All other orders and judgments shall be prepared by the clerk unless the court otherwise directs pursuant to Rule 6.02 and shall be submitted directly to the judge.

Section 6.02. When directed by the court counsel will prepare orders for entry. All orders prepared by counsel, except for judgment documents, shall be filed with the clerk and served on opposing counsel.

Section 6.03. Counsel who has been served with a proposed order prepared by counsel at the direction of the court shall immediately notify the judge of any disagreement with the contents of the proposed order. Objecting counsel shall, within 3 days, submit a revised order and serve a copy on opposing counsel. Opposing counsel shall immediately notify the judge of any objection to the contents of the revised order. The court will either approve one of the orders submitted with notice to counsel, schedule a chambers conference or set the matter for hearing.

If the court does not receive notice of any objection to any proposed order or to any revised order submitted in accordance with this rule, the order will be presumed correct and will be entered unless amended by the judge.

RULE 7. SUSPENSION OF RULES.

Whenever the court determines that justice requires it, the court may suspend any of the foregoing local rules.

ORDER

The foregoing Local Rules of Practice applicable in the Circuit, Chancery and Criminal Courts of Williamson County within the Twenty-First Judicial District. All standing orders not incorporated in these rules are declared invalid and shall have not effect.

Adopted and effective as of the 1st day of September, 2004.

RUSS HELDMAN
JUDGE, DIVISION I
21st JUDICIAL DISTRICT

R. E. LEE DAVIES
JUDGE, DIVISION II
21st JUDICIAL DISTRICT

DONALD P. HARRIS
JUDGE, DIVISION III
21st JUDICIAL DISTRICT

TIMOTHY L. EASTER
JUDGE, DIVISION IV
21st JUDICIAL DISTRICT

APPENDIX A

IN THE _____ COURT OF _____ COUNTY TENNESSEE

| | | |
|---------------|---|---------------------|
| _____ |) | |
| Mother/Father |) | Case No. _____ |
| |) | _____ Proposed Plan |
| _____ |) | |
| Father/Mother |) | |

TEMPORARY PARENTING PLAN

| | |
|--------------------------|-------------------------|
| Proposed by Mother _____ | Agreed by Parties _____ |
| Proposed by Father _____ | Ordered by Court _____ |

This parenting plan applies to the following children:

| <u>Name</u> | <u>Birthdate</u> |
|-------------|------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

RESIDENTIAL TIME:

With Mother from _____ to _____
(Day/Time) (Day/Time)

() every other week () every week

With Father from _____ to _____
(Day/Time) (Day/Time)

() every other week () every week

Other Special Provisions _____

HOLIDAY and VACATION SCHEDULE DURING THE NEXT SIX MONTHS

DAY TO DAY DECISIONS Each parent shall make decisions regarding the day-to-day care and control of each child while the child is residing with that parent. The parents shall otherwise confer with each other.

TRANSPORTATION

() Father will pick up and return
or

() Mother will pick up and return
or

() Other _____

STANDARD PARENTING ORDERS. Pursuant to *Tennessee Code Annotated*, '36-6-101(a) both parents are entitled to the following rights:

1. unimpeded telephone conversations with the child at least twice each week at reasonable times and for a reasonable duration;
2. sending mail to the child which the custodial parent will not open and will not censor;
3. receiving notice and relevant information as soon as practical (but not more than 24 hours) in the event of hospitalization, major illness, or death of the child;
4. receiving, directly from the school, copies of the child's report cards, attendance records, teacher's names, class schedules, standardized test scores, and other records which are customarily made available to parents. A written request must be made to the school with a current mailing address and payment must be made for the reasonable cost of duplicating and mailing these records;
5. receiving, directly from the child's physician and other health care providers, copies of the child's medical records. A written request must be made to the health care provider with a current mailing address and payment must be made for the reasonable cost of duplicating and mailing these records;
6. to be free of derogatory remarks made about the noncustodial parent and his or her family by the custodial parent to the child or in the child's presence;

7. to be given at least forty-eight (48) hours notice, whenever possible, of all extra curricular activities, and the opportunity to participate or observe, including, but not limited to, the following:

- (i) School activities;
- (ii) Athletic activities;
- (iii) Church activities; and
- (iv) Other activities as to which parental participation or observation would be appropriate.

8. to receive from the other parent, in the event the other parent leaves the state with the minor child or children for more than two (2) days, an itinerary including telephone numbers for use in the event of an emergency;

9. access and participation in education, including the right of access to the minor child or children for lunch and other activities, on the same basis that is provided to all parents, provided the participation or access is reasonable and does not interfere with day-to-day operations or with the child=s educational performance.

CHILD SUPPORT The [] mother [] father will pay child support, in accordance with the Tennessee Child Support Guidelines, in the amount of \$_____ based upon a gross/net (choose one) annual income of \$_____.

_____ weekly _____ every two weeks
_____ monthly _____ twice per month

() Directly to the other parent

or

() To the Clerk of the Court (plus a 5% clerks fee)

at _____

or

() By wage assignment (see attached Order)

TOTAL AMOUNT OF CHILD SUPPORT \$_____

To be paid beginning _____ day of _____, 20____.

SPOUSAL SUPPORT [IF APPLICABLE] () Mother () Father shall pay additional support in the amount of \$ _____ per month beginning ____ day of _____, 20____.

OR he/she shall pay the following household bills:

- | | |
|--------------------------------------|----------------------|
| () Mortgage/Taxes/Insurance/Rent | () Home repair |
| () Utilities | () Lawn care |
| () Auto note | () Trash pick up |
| () Auto repairs | () _____ |
| () Auto insurance | () _____ |

HEALTH, DENTAL AND LIFE INSURANCE and UNCOVERED EXPENSES

These policies shall remain in effect during the duration of the divorce proceedings. The spouse and/or children shall be the beneficiaries. All uncovered medical and dental bills will be paid by () father () mother () split between the parties.

Mother

Date

Father

Date

IT IS SO ORDERED ADJUDGED AND DECREED this ____ day of
_____, 20____.

JUDGE

APPENDIX B

IN THE _____ COURT FOR _____ COUNTY, TENNESSEE

| | | |
|------------|---|-----------|
| _____ |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| VS. |) | No. _____ |
| |) | |
| _____ |) | |
| |) | |
| Defendant. |) | |

STATEMENT OF INCOME AND EXPENSE

Comes now (Name of Party), the (Plaintiff/Defendant), who would show to the Court as follows:

REGULAR INCOME:

| | | | | |
|----|----|---|----------------|----------|
| A. | 1. | Gross Wages and commission: | Weekly _____ | |
| | | Twice Monthly _____ | Monthly _____ | \$ _____ |
| | 2. | Deductions each pay period: | Fed. Tax _____ | |
| | | FICA _____; | Other _____ | - _____ |
| | 3. | Net take-home earnings on a _____ basis | | \$ _____ |
| B. | | Other income (from any source) | | \$ _____ |
| | | NET TAKE-HOME _____ | TOTAL \$ _____ | |

(Weekly/Monthly)

He/she submits the following as an estimate of the necessary monthly expenses for support of him/herself (and children where applicable):

| | | |
|----|---|----------|
| A. | General Expenses: | |
| 1. | Rent or mortgage, including taxes and insurance | \$ _____ |
| 2. | Utilities: Water _____; Gas _____ | |
| | Elec. _____; Tel. _____ | |
| | TOTAL UTILITIES | \$ _____ |
| 3. | Car Operation (gas, oil, repair, ins.) | \$ _____ |
| 4. | Insurance (life and other) | \$ _____ |
| 5. | Installment contracts and monthly payments: | |
| | Personal loans _____; Auto _____ | |
| | Household _____; Other _____ | |
| | TOTAL INSTALLMENTS CONTRACTS | \$ _____ |
| | GENERAL EXPENSE TOTAL | \$ _____ |

| | | | | |
|-----|------------------------------|---------------|-----------------|------------------|
| B. | Other Expenses (monthly): | <u>Myself</u> | <u>Children</u> | |
| 1. | Food | _____ | _____ | |
| 2. | Clothing | _____ | _____ | |
| 3. | Medical, Dental & Drugs | _____ | _____ | |
| 4. | Laundry & Cleaning | _____ | _____ | |
| 5. | Recreation (specify) | _____ | _____ | |
| 6. | School expenses | _____ | _____ | |
| 7. | Babysitting/Other Child Care | _____ | _____ | |
| 8. | Beauty or Barber Shop | _____ | _____ | |
| 9. | Other (specify) | _____ | _____ | |
| 10. | Other _____ | _____ | _____ | |
| 11. | Other _____ | _____ | _____ | |
| | Subtotals | \$ _____ | \$ _____ | |
| | TOTAL | \$ _____ | EXPENSE | \$ _____ |
| | | | | (Weekly/Monthly) |
| |) | | | |

NET INCOME LESS EXPENSES \$ _____

I need \$ _____ (Weekly/Monthly)

Under penalty of perjury, I make oath that the information set forth above is true and correct to the best of my knowledge.

This the _____ day of _____, 20____.

Plaintiff/Defendant

STATE OF TENNESSEE
COUNTY OF _____

Sworn to and subscribed before me on this the _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been furnished, to _____ (attorney for the Plaintiff/Defendant), on the _____ day of _____, 20____.

Attorney

APPENDIX C

IN THE _____ COURT OF _____ COUNTY, TENNESSEE

| | | |
|--------|---|----------------------------|
| _____ |) | Case No. _____ |
| PARENT |) | |
| |) | PARENTING PLAN |
| |) | _____ Proposed Plan |
| |) | |
| _____ |) | _____ Final Parenting Plan |
| PARENT | | |

PERMANENT PARENTING PLAN

This plan is ____ Ordered by the court on the ____ day of _____, 20____,
____ is a part of the Marital Dissolution Agreement,
or
____ modifies an existing Parenting Plan or prior Court Order, dated
_____, 20____.

Children:

| <u>Name</u> | <u>Birthdate</u> |
|-------------|------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

I. RESIDENTIAL TIME. The schedule below sets out which parent has responsibility for the child during the week, weekends, holidays and vacations.

A. DAY TO DAY SCHEDULE. The () mother () father will have responsibility for the care of the child(ren) except the following times and days when the other parent shall have responsibility for the care of the child(ren):

With Mother from _____ to _____
(Day/Time) (Day/Time)

() every other week () every week

With Father from _____ to _____
(Day/Time) (Day/Time)

() every other week () every week

Other Special Provisions _____

B. SCHEDULE OF HOLIDAYS RELEVANT TO YOUR FAMILY, SCHOOL SCHEDULE or SPECIAL OCCASIONS. [Indicate when child(ren) will be with each parent.

(In ODD numbered years, EVEN numbered years or EVERY year.)]

| | Mother | Father |
|---|--------|--------|
| Mother's Day | _____ | _____ |
| Father's Day | _____ | _____ |
| Thanksgiving (Wednesday through Sunday) | _____ | _____ |
| Child(ren)'s Birthdays | _____ | _____ |
| Mother=s Birthday | _____ | _____ |
| Father=s Birthday | _____ | _____ |
| Other: | _____ | _____ |

If the Friday preceding or the Monday following any weekend visitation period is a school holiday, the visitation shall be extended to include that holiday. A holiday shall begin at 6:00 p.m. on the night preceding the holiday and end at 6:00 p.m. on the last day of the holiday period.

C. SCHEDULE FOR CHRISTMAS HOLIDAY VACATION. The () mother () father shall have the child(ren) in even years from the day school is dismissed at ____ p.m. until December 25 at ____ .m. The other parent will have the child(ren) from December 25 at ____ .m. until 6:00 p.m. on the evening before school resumes OR as agreed upon by the parents as follows: _____

D. SCHEDULE FOR SPRING VACATION. The mother and father shall share or alternate Spring Break as follows:

_____ Beginning: _____

E. SUMMER SCHEDULE. The () mother () father shall be responsible for the care of the child(ren) during the summer, except for the following days and times when the other parent will be responsible for the care of the child(ren):

| | |
|-----------------------------------|------------------|
| ____ Same as school year schedule | ____ One month |
| ____ Two Weeks | ____ Six weeks |
| ____ Two weeks every month | ____ Other _____ |

F. TRANSPORTATION. Transportation arrangements for the child (ren), between parents shall be as follows:

II. DECISION MAKING.

A. DAY TO DAY DECISIONS: Each parent shall make decisions regarding the day-to-day care and control of each child while the child is residing with that parent. Regardless of the allocation of decision making in this parenting plan, either parent may make emergency decisions affecting the health or safety of the children.

B. CHILD NURTURE: Mother and Father will behave with respect to each other and the child(ren) so as to provide a loving, stable, consistent and nurturing relationship with the child(ren) even though they, themselves, are being divorced. Mother and Father agree they will not speak badly of each other or the members of the family of the other parent. They will encourage the child to continue to love the other parent and be comfortable in both new families.

C. MAJOR DECISIONS: Major decisions regarding each child shall be made as follows:

| | | | |
|----------------------------|------------|------------|-----------|
| Education decisions | ___ mother | ___ father | ___ joint |
| Non-emergency health care | ___ mother | ___ father | ___ joint |
| Religious upbringing | ___ mother | ___ father | ___ joint |
| Extracurricular activities | ___ mother | ___ father | ___ joint |
| _____ | ___ mother | ___ father | ___ joint |
| _____ | ___ mother | ___ father | ___ joint |

III. CHILD SUPPORT

A. The [] mother [] father will pay child support, in accordance with the Tennessee Child Support Guidelines, in the amount of \$_____ based upon a gross/net (choose one) annual income of \$_____.

| | |
|-------------|---------------------|
| ___ weekly | ___ every two weeks |
| ___ monthly | ___ twice per month |

- () Directly to the other parent
- () To the Clerk of the Court (plus a 5% clerks fee)
- () By wage assignment (see attached order)
- () Direct Deposit to the other Parent at _____

TOTAL AMOUNT OF CHILD SUPPORT \$_____

To be paid beginning ____ day of _____, 20____.

The parties affirmatively acknowledge that Court approval must be obtained before child support can be reduced or modified, unless such payments are automatically reduced or terminated under the terms of the Parenting Plan

B. TAX DEDUCTION. The () mother () father shall receive the tax deduction for the child(ren), in

___ alternate years starting _____

___ each year

Other: _____

C. HEALTH INSURANCE. The () mother () father will maintain medical/hospital insurance on the minor child(ren) and he/she shall provide proof of continuing coverage annually.

Uncovered medical expenses, which include deductibles or co-payments, eyeglasses, contact lenses, dental or orthodontic expenses and routine annual physicals shall be paid by the residential parent up to Two Hundred Fifty (\$250.00) Dollars. Uncovered expenses in excess of Two Hundred Fifty (\$250.00) Dollars for any given calendar year shall be divided equally between the parties.

E. LIFE INSURANCE [OPTIONAL FOR PARENT NOT PAYING CHILD SUPPORT]

The policy(ies) shall name the () other parent

OR

() other parent as trustee for children as beneficiary

F. DENTAL/ORTHODONTIC CARE. If available to either parent through their work, the () mother () father will maintain dental/orthodontic care on the minor child(ren).

Uncovered dental/orthodontic expenses will be paid by the () mother () father or () divided equally by the parties.

IV. DESIGNATION SOLELY FOR STATE AND FEDERAL STATUTES: The children named in this parenting plan are scheduled to reside the majority of the time with the () mother () father solely for purposes of any other state and federal statutes which require a designation or determination of parental responsibility, this parent is designated the ACustodian of the Child@. If the parents are joint decision makers as listed in Section II. for purposes of obtaining health or other insurance, they shall be considered Ajoint custodians.@ THIS DESIGNATION SHALL NOT AFFECT EITHER PARENT'S RIGHTS AND RESPONSIBILITIES UNDER THIS PARENTING PLAN.

V. DISAGREEMENTS ABOUT JOINT DECISIONS OR MODIFICATIONS OF PLAN. Should a disagreement arise about the Parenting Plan or the parties wish to modify the plan, the parties shall make a good faith effort to resolve the issue through the dispute resolution process, before returning to court. Unless a limiting factor listed in T.C.A. 36-6-406 precludes a dispute resolution process prior to court action, or an emergency court action is necessary to protect the welfare of the child or a party, the parties agree to the following dispute resolution method:

Disputes between the parties, other than the child support disputes, shall be submitted to:

- () Mediation by Rule 31 Mediator
or
- () Arbitration by arbitrator selected by parties or the court
or
- () Settlement Conference with judge not presiding in parents= case. Court process DUE TO ORDER OF PROTECTION OR RESTRICTIONS

VI. STANDARD PARENTING ORDERS. Pursuant to *Tennessee Code Annotated*, §36-6-101(a) both parents are entitled to the following rights:

1. To unimpeded telephone conversations with the child at least twice each week at reasonable times and for a reasonable duration.

2. To send mail to the child which the other parent shall not open and will not censor.

3. To receive notice and relevant information as soon as practical (but within 24 hours) in the event of hospitalization, major illness, or death of the child.

4. To receive directly from the school, upon written request, which includes a current mailing address and upon payment of reasonable costs of duplicating, copies of the child=s report cards, attendance records, names of teachers, class schedules, standardized test scores, and any other records customarily made available to parents.

5. Unless otherwise provided by law, the right to receive copies of the child=s medical, health or other treatment records directly from the physician or health care provider who provided such treatment or health care upon written request which contains a current mailing address and upon payment of reasonable costs of duplication; provided, that no person who receives the mailing address of a parent as a result of this requirement shall provide such address to the other parent or a third person.

6. To be free of derogatory remarks made about such parent or such parent=s family by the other parent to or in the presence of the child.

7. To be given at least forty-eight (48) hours notice, whenever possible, of all extra curricular activities, and the opportunity to participate or observe, including, but not limited to, the following:

- (I) School activities;
- (ii) Athletic activities;
- (iii) Church activities; and
- (iv) Other activities as to which parental participation or observation would be appropriate.

8. To receive from the other parent, in the event the other parent leaves the state with the minor child or children for more than two (2) days, an itinerary including telephone numbers for use in the event of an emergency.

9. Access and participation in education, including the right of access to the minor child or children for lunch and other activities, on the same basis that is provided to all parents, provided the participation or access is reasonable and does not interfere with day-to-day operations or with the child=s educational performance.

SIGNATURE OF PARTY[IES] FOR PROPOSED PARENTING PLAN OR FOR FINAL PARENTING PLAN

I hereby make oath that this plan has been proposed in good faith and that it is in the best interests of the children. (Notary requirement for Proposed Plan only.)

Mother Date

Father Date

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ OF _____
_____, 20____.

My Commission Expires:

Notary Public

ORDER OF THE COURT

IT IS ORDERED, ADJUDGED AND DECREED that the Parenting Plan set forth above is adopted and approved as an order of this court.

Dated: _____

JUDGE

Presented by Counsel:

Signature

Name _____

Address _____

Phone _____

Address of Mother

Address of Father

Date Mother Attended Parenting Seminar

Date Father Attended Parenting Seminar

(If applicable) Mediation Services provided by:

APPENDIX D

IN THE _____ COURT OF _____ COUNTY, TENNESSEE

| | | |
|------------|---|-----------|
| _____ |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | No. _____ |
| |) | |
| _____ |) | |
| Defendant. |) | |

STATEMENT OF ISSUES, INCOME, PROPERTY AND EXPENSES

ISSUES: The contested issues in this cause include:

| | | | |
|-------|----------------------|-------|---------------|
| _____ | grounds for divorce | _____ | alimony |
| _____ | care of child(ren) | _____ | child support |
| _____ | attorney's fees | _____ | other: _____ |
| _____ | court costs | | |
| _____ | payment of debts | | |
| _____ | division of property | | |

REGULAR INCOME:

| | | | | |
|----|----|---|----------------|------------------|
| A. | 1. | Gross Wages and commission: | Weekly _____ | |
| | | Twice Monthly _____ | Monthly _____ | |
| | | | | \$ _____ |
| | 2. | Deductions each pay period: | Fed. Tax _____ | |
| | | FICA _____; | Other _____ | |
| | | | | - _____ |
| | 3. | Net take-home earnings on a _____ basis | | \$ _____ |
| B. | | Other income (from any source) | | \$ _____ |
| | | NET TAKE HOME _____ | TOTAL \$ _____ | (Weekly/Monthly) |

NECESSARY MONTHLY EXPENSES

A. General Expenses:

1. Rent or mortgage, including taxes and insurance \$ _____
2. Utilities: Water _____; Gas _____
Elec. _____; Tel. _____
Cable/Internet _____; TOTAL UTILITIES \$ _____
3. Car Operation (gas, oil, repair, ins.) \$ _____
4. Insurance (life and other) \$ _____
5. Installment contracts and monthly payments:
Personal loans _____; Auto _____
Household _____; Other _____
TOTAL INSTALLMENTS CONTRACTS \$ _____
- GENERAL EXPENSE TOTAL \$ _____

B. Other Expenses (monthly):

- | | | <u>Myself</u> | <u>Children</u> |
|-------|------------------------------|---------------|-----------------|
| 1. | Food | _____ | _____ |
| 2. | Clothing | _____ | _____ |
| 3. | Medical, Dental & Drugs | _____ | _____ |
| 4. | Laundry & Cleaning | _____ | _____ |
| 5. | Recreation (specify) | _____ | _____ |
| 6. | School expenses | _____ | _____ |
| 7. | Babysitting/Other Child Care | _____ | _____ |
| 8. | Beauty or Barber Shop | _____ | _____ |
| 9. | Other (specify) | _____ | _____ |
| 10. | Other _____ | _____ | _____ |
| 11. | Other _____ | _____ | _____ |
| | Subtotals | \$ _____ | \$ _____ |
| TOTAL | \$ _____ | EXPENSE | \$ _____ |
- (Weekly/Monthly)

NET INCOME LESS EXPENSES \$ _____

PROPOSED DIVISION OF MARITAL PROPERTY

| <u>Assets</u> | <u>Value/Equity</u> | <u>Awarded to Husband</u> | <u>Awarded to Wife</u> |
|---------------|---------------------|---------------------------|------------------------|
|---------------|---------------------|---------------------------|------------------------|

Real Estate

Description:
Titled:
FMV:
Debt:

Bank Accounts/Liquid Asset Accounts

Bank:
Owner:
Acct. #:
Balance:

Stocks/Mutual Funds/Other Securities

Description:
Market price:

Retirement

Description:
Owner:
Acct. #:
Balance:

Insurance

Description:
Policy #:
Face Value:
Insured:
Beneficiary:
CSV:

| <u>Assets</u> | <u>Value/Equity</u> | <u>Awarded to Husband</u> | <u>Awarded to Wife</u> |
|---------------|---------------------|---------------------------|------------------------|
|---------------|---------------------|---------------------------|------------------------|

Vehicles

Make/Model/Year:

Titled:

FMV:

Debt:

Furniture

Miscellaneous

SEPARATE PROPERTY TO HUSBAND

| <u>Description</u> | <u>Value</u> |
|--------------------|--------------|
|--------------------|--------------|

SEPARATE PROPERTY TO WIFE

| <u>Description</u> | <u>Value</u> |
|--------------------|--------------|
|--------------------|--------------|

MARITAL DEBTS OF HUSBAND

| <u>Description</u> | <u>Monthly Payment</u> | <u>Balance</u> |
|--------------------|------------------------|----------------|
|--------------------|------------------------|----------------|

MARITAL DEBTS OF WIFE

| <u>Description</u> | <u>Monthly Payment</u> | <u>Balance</u> |
|--------------------|------------------------|----------------|
|--------------------|------------------------|----------------|

SEPARATE DEBTS OF HUSBAND

| <u>Description of Liability</u> | <u>Monthly Payment</u> | <u>Balance</u> |
|---------------------------------|------------------------|----------------|
|---------------------------------|------------------------|----------------|

SEPARATE DEBTS OF WIFE

| <u>Description</u> | <u>Monthly Payment</u> | <u>Balance</u> |
|--------------------|------------------------|----------------|
|--------------------|------------------------|----------------|

This _____ day of _____, 20____.

Plaintiff/Defendant

Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been furnished to
_____ (attorney for the Plaintiff/Defendant) on this the _____ day of
_____, 20____.

Attorney